IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 21 OF 2005

SHRI PEDRO DIAS, NUVEM, SALCETE, GOA. ....Appellant

Versus

MRS.ESMERALDA RODRIGUES E BORGES AND 2 ORS., ...Respondents

Shri U.S.Kolwalkar, advocate for the appellant.

Coram:- R. M. LODHA, J.

Date:- 22nd September, 2005

P.C.

Heard Mr. U. S. Kolwalkar, the learned counsel for the appellant.

I perused the Judgment dated 13th October, 2004 passed by the District Judge, South Goa at Margao and the Judgment dated 31st August, 2000 passed by trial Court. Both the Courts below have concurrently held that there was no structure in existence in the property of the plaintiffs prior to 1993. The Courts below also negated the appellant's case that he was permitted to conduct the business of cycle repairs in the open space. The findings recorded by the Courts below are based on appraisal of evidence. The learned counsel for the appellant could not demonstrate any misreading of the evidence by the Courts below.

The findings are concluded on facts. No substantial question of law arises.

The Second Appeal is dismissed in limine.

R. M. LODHA, J.

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